

II. REMARKS/ARGUMENTS

Claims

Claims 1 and 20 have been amended to further distinguish the claimed invention over the prior art cited by the examiner, as discussed in detail below. No new matter has been added by these amendments, the subject matter being amply disclosed in the specification and figures.

Claim Rejections – 35 U.S.C. § 102

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,742,841 to Soditch et al. (“Soditch”).

In response, applicants have amended independent Claim 1 to more clearly distinguish the claimed invention from the cited reference. In particular, Claim 1 has been amended to include a limitation wherein the seatback is positionable to the orientation of the seat cushion. Soditch discloses a fixed or pivotable seatback (col. 3, lines 23-27). However, Soditch fails to teach a seatback that is positionable to the orientation of the seat cushion, e.g., to a generally horizontal orientation facially adjacent a horizontally oriented seat cushion and to a generally vertical orientation facially adjacent a vertically oriented seat cushion.

In addition, applicants submit herewith a declaration under 37 C.F.R. § 1.131 antedating the Soditch reference filed May 23, 2003. Support for applicants’ claimed invention may be found in Exhibit A, attached thereto. Applicants respectfully request that this declaration be entered after final rejection under 37 C.F.R. § 1.116(e), as the Soditch reference was first raised by the examiner in the latest Office action as new grounds for rejection. Furthermore, entry of the declaration will place the application in form for allowance.

Applicants submit that Claim 1 is now in form for allowance. Claim 2 depends from Claim 1 and adds limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claim 2 is also now allowable.

Claim Rejections – 35 U.S.C. § 103

Claims 3, 4 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Soditch in view of U.S. Pat. No. 5,826,942 to Sutton et al. (“Sutton”). Applicants submit that amended Claim 1, from which Claims 3, 4 and 10-15 ultimately depend, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claims 3, 4 and 10-15 add limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claims 3, 4 and 10-15 are patentably distinct from the combination of Soditch and Sutton.

Claims 6-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Soditch in view of U.S. Pat. No. 5,707,103 to Balk (“Balk”). Applicants submit that amended Claim 1, from which Claims 6-9 ultimately depend, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claims 6-9 add limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claims 6-9 are patentably distinct from the combination of Soditch and Balk.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Soditch in view of Sutton and Balk. Applicants have amended independent Claim 20 in the same manner as Claim 1 to more clearly distinguish the claimed invention from the cited reference. Applicants submit that Claim 20 is now in form for allowance for the same reasons as presented above for Claim 1 (see “35 U.S.C. § 102 Rejections”).

Final Rejection

Applicants believe that the amendments and the declaration submitted herewith place the application in form for allowance. However, in the event that any issues remain, applicants respectfully request withdrawal of the final rejection under MPEP § 706.07(e) so that applicants may fully consider the new issues raised by the new grounds for rejection.

Petition for Extension of Time for Reply

Applicants hereby petition under the provisions of 37 C.F.R. §1.136(a) for a three-month extension of the period for filing a response to the Office action of November 22, 2006. The fee for the extension is filed herewith.

III. CONCLUSION

For the reasons discussed above, applicants submit that amended Claims 1-4, 6-15 and 20 of the pending application are patentable over all the prior art of record. It is believed that the application is now in form for allowance and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,

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